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December 12, 2006

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## VIA TELEFAX (205) 678-0000

Kate Hortberg  
Boardman, Carr, Weed & Hutcheson, P.C.  
400 Boardman Drive  
Chelsea, Alabama 35043-8211

**RE: A.G., et al. v. Autauga County Board of Education**

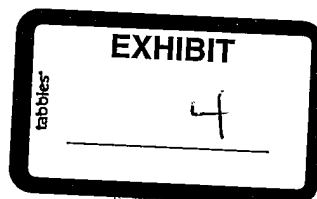
Dear Kate:

I am in receipt of your faxed letter dated December 12, 2006 concerning our revised request for production and addressing your objection to our original request.

Obviously, you are mistaken in your belief that our revised request is requesting the same information. Having access to the computers would give us access to all of the information stored in the computer, which I agree is overly broad. In requesting an index of the computer files, you are only producing a list of computer files from that person's computer or from the central filing system, which came from that person's computer. Therefore, I would not have access to the file itself. Further, I have limited the scope of the request to the certain time period.

Discussing this matter with my Information Technology person, he showed me how easy and accessible you can access the index with only three clicks of the mouse on a computer.

Kate, we believe we have narrowed our request down as far as we can at this point. Until we are able to view the index of the computer files for each person, this all we are able to do.



Kate Hortberg Fax  
December 12, 2006  
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Further, I have looked at *In Re: Ford Motor Company*, 345 Fed. 3d. 1315, (11<sup>th</sup> Cir. 2003), my interpretation of the case is that some of the data the Plaintiff's in that case requested is discoverable, but the district court failed to set out a factual finding in its Order granting the factual finding in granting its Order allowing the Plaintiff's access to certain Ford databases.

In this case, we have not requested direct access to the Autauga County Board of Education database. We have only requested an index of computer files of certain board employees to see if there are other relevant documents in this case.

If you are unable to produce the indexes for the persons that we have requested, then I believe we will have to see the judge on this issue.

My best regards,

BEASLEY, ALLEN, CROW,  
METHVIN, PORTIS & MILES, P.C.

*Mike Crow/anc*

MICHAEL J. CROW

MJC/anc

CC: Rick Drummond     **VIA TELEFAX (251) 650-1264**